

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Revised 07/07 WDNY

Sanja Drinks-Bruder

Name(s) of Plaintiff or Plaintiffs

-VS-

SEE ATTACHED SHEET

Name of Defendant or Defendants

Jury Trial Demanded: Yes ☒ No ☐DISCRIMINATION COMPLAINT

-CV-

22 CV 0725

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, **AND** a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

This action is brought for discrimination in employment pursuant to (*check only those that apply*):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

**JURISDICTION** is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

✓

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

## PARTIES

1. My address is: 1032 97<sup>th</sup> Street  
Niagara Falls, NY 14304

My telephone number is: 716 628 3286

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: City of Niagara Falls

Number of employees: unknown at this time

Address: PO Box 0069  
Niagara Falls NY 14302-0069

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

## CLAIMS

4. I was first employed by the defendant on (date): January 29 1993

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: In the year 2009
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): August 12 2022
7. I believe that the defendant(s)
- a. ☒ Are still committing these acts against me.
- b. ☐ Are not still committing these acts against me.
- (Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) \_\_\_\_\_
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)
- The date when I filed a complaint with the New York State Division of Human Rights is January 8 2021  
(estimate the date, if necessary)
- I filed that complaint in (identify the city and state): Buffalo, New York
- The Complaint Number was: 10210873
9. The New York State Human Rights Commission did ☒ /did not ☒ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: January 8 2021 because of the work-sharing agreement
11. The Equal Employment Opportunity Commission did ☒ /did not ☐ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: June 28 2022. (NOTE: If it



**did** issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. ☐ Failure to provide me with reasonable accommodations to the application process
- b. ☐ Failure to employ me
- c. ☐ Termination of my employment
- d. ☐ Failure to promote me
- e. ☒ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. ☐ Harassment on the basis of my sex
- g. ☒ Harassment on the basis of unequal terms and conditions of my employment
- h. ☒ Retaliation because I complained about discrimination or harassment directed toward me
- i. ☐ Retaliation because I complained about discrimination or harassment directed toward others
- j. ☒ Other actions (please describe) violating my due process rights that are within the U.S. Constitution under the 14th amendment

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- a. ☒ Race
- b. ☐ Color
- c. ☐ Sex
- d. ☐ Religion
- e. ☐ National Origin
- f. ☐ Sexual Harassment
- g. ☐ Age \_\_\_\_\_ Date of birth \_\_\_\_\_
- h. ☐ Disability  
Are you incorrectly perceived as being disabled by your employer?  
\_\_\_\_\_ yes \_\_\_\_\_ no

15. I believe that I was ☒/was not ☐ **intentionally** discriminated against by the defendant(s).



16. I believe that the defendant(s) is/are ✓ is not/are not \_\_\_\_\_ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: \_\_\_\_\_ and why the defendant(s) stopped committing these acts against you: \_\_\_\_\_)

17. **A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim.** (NOTE: You **must** attach a copy of the **original complaint** you filed with the Equal Employment Opportunity Commission and a copy of the **Equal Employment Opportunity Commission affidavit** to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (*check one*):  
 \_\_\_\_\_ **has not** issued a Right to sue letter  
✓ **has** issued a Right to sue letter, which I received on June 28 2022

19. State here as briefly as possible the *facts* of your case. Describe how each defendant is involved, including *dates* and *places*. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (*Use as much space as you need. Attach extra sheets if necessary.*)

See Attached 19 page of facts which also  
includes the extended caption

#### **FOR LITIGANTS ALLEGING AGE DISCRIMINATION**

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct  
 \_\_\_\_\_ 60 days or more have elapsed \_\_\_\_\_ less than 60 days have elapsed

#### **FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM**

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on \_\_\_\_\_)

In The United States District Court  
For The Western District of New York  
Attached Page 1  
Caption for Discrimination Complaint

Sanja Drinks-Brunder  
Plaintiff

vs

-CV-

City of Niagara Falls  
P.O. Box 69

Niagara Falls, NY 14302-0069

Robert Restaino, Mayor

P.O. Box 69

Niagara Falls, NY 14302-0069

Christopher Mazur, Esq

Law Department

P.O. Box 69

Niagara Falls, NY 14302-0069

Thomas Licata

603 Vanderbilt Ave

Niagara Falls, NY 14305

John Faso

1925 Main Street

Niagara Falls, NY 14305

Defendants



In The United States District Court  
For The Western District of New York  
Attached Page 2  
Caption for Discrimination Complaint

Defendants continued

Michael Corcoran \_\_\_\_\_ CV: \_\_\_\_\_  
1925 Main St  
Niagara Falls, NY 14305

Michael Lee  
1925 Main St  
Niagara Falls, NY 14305

Steven Kerfoot  
1925 Main Street  
Niagara Falls NY 14305

Gregory Spagnola  
1925 Main St  
Niagara Falls NY 14305

Vincent Granto  
1925 Main St  
Niagara Falls NY 14305  
Defendants



Civil Cover Sheet Attachment  
Additional Defendants Listed Below

Robert Restaino, Mayor of Niagara Falls

Niagara Falls Civil Service Commission

Christopher Mazur, Esq City of Niagara Falls

Thomas Lucata.

John Faso, Superintendent of Niagara Falls Police Dept.

Michael Corcoran, Cpt. of the OPS Dept.  
at Niagara Falls Police Dept.

Michael Lee, Deputy Chief of the Niagara  
Falls Police Dept.

Steven Kerfoot, Detective at Niagara Falls  
Police Dept

Gregory Spagnola, officer at Niagara  
Falls Police Dept.

~~Cpt.~~ Grant, Cpt of Niagara Falls Police Dept  
Defendants



Sanja Drinks-Brunder (hereinafter "plaintiff or I")

1. Pro se litigant is filing this complaint for a denial of civil rights under 42 U.S.C. 1983, employment discrimination under 42 U.S.C. 2000e and Continuing Violation Doctrine. The US Western District of New York Court is located in a judicial district where the events took place to the claim.
2. Mayor Robert Restiano
  - a. Plaintiff did contact Mayor Restiano on two different occasions by mail. Mayor Restiano only responded back by mail and indicated he could not be involved even knowing there was illegal actions by City (Niagara Falls, NY) employees that placed plaintiff in a hostile working environment.
3. City of Niagara Falls
  - a. City of Niagara New York (hereinafter "City") is the entity responsible for the illegal action as a whole.
  - b. City agreed verbally to pay damages of approx. \$15,000 to plaintiff for



discrimination (case 10210873) that caused emotional stress to plaintiff. City refused to sign when plaintiff refused to accept an unlawful decertification by Chief Faso that took place in June 2022 while negotiations were being worked on. Plaintiff was asked to drop all possible charges against the City through a different global settlement. The global settlement was only for the City and would not remove the unlawful decertification against plaintiff.

c. The City was found to have possible probable cause against them by New York State Division Human Rights (hereinafter "NYSDHR"). Due to plaintiff filing complaint in January 2021 and NYSDHR stated it could be a possible scheduled hearing (probable cause) in January 2023 plaintiff because of financial hardship did ask for a right to sue letter.

d. City I see is now looking at brass who has violated the residency law. This has been going on for years but not only by the brass but also



patrol officers like one within this compliant that the City knew about and allowed. No one was charged with a misconduct or received hardship for violating the residency law. Why is that?

e. The City deprived plaintiff the required notice to appear for the surprised section 72 proceeding.

f. The City did allow a white male police officer back to work from a paid administrative leave he had been placed on after he was charged for domestic violence. Plaintiff was placed on administrative leave on January 26 2022 regarding an unlawful section 72 and 75<sup>s</sup> by the City. Plaintiff was placed on unpaid suspension on the first day which was January 13 2020 through January 25 2022 without any proper investigations repeatedly every 30 work days for the same charge.

#### 4. Niagara Falls Civil Service Commission

a. They are members employed by the City of the Civil service commission. The commission never spoke with me



before making their decision regarding plaintiff having a mandatory mental and medical evaluations on alleged facts that were not accurate and but was fabricated. The only had a supposed meeting with Chief Lucita and Deputy Faso on December 19 2019.

5. Christopher Mazur. Corporation Counsel
  - a. Christopher received a discrimination complaint from plaintiff. Christopher stated there is no discrimination and stated this because he said the City has a discrimination policy.
  - b. Christopher Mazur directed Chief Faso not to let me return to work in April 2020.
  - c. Christopher stopped a settlement that would allow plaintiff to retire as past officers were allowed to by taking away benefits that plaintiff qualified for.
  - d. Christopher knew that Michael Lee and Deputy Faso used my accrued days to paid me illegally when he said I could not return to



work in April 2020. Christopher knew they (accrued days) were taken and used for paying plaintiff without authorization from her. It was a total of 18 days. These misconducts were overlooked.

e. Christopher within his position as a work relations party, he would be the person where the stage 2 grievances would be forwarded to. Christopher never did respond or contact plaintiff regarding any grievance plaintiff would file.

f. Christopher did represent Gregory Spagnola and Matthew Bower for their discriminatory actions they did against plaintiff that starting on November 18 2019. Christopher never spoke with plaintiff at all even when he knew that Gregory Spagnola illegally changed an official police report about plaintiff. The changes he made with the reports were intentionally meant to cause plaintiff harm and it did due to the lies.

g. Christopher did represent Chief Lucata and Deputy Faso from November 18 2019 thru February 2022 on the report that plaintiff filed with NYSDHR



which is this complaint. Plaintiff learned a new attorney took his place in February 2022 and NYSDHR was told in April 2022.

6. Thomas Licata, Chief of Police at time of complaint
  - a. Thomas knew I stopped to talk to ops Lt. Cirrito during the day and he had Lt. Cirrito tell me to stop by his office and it was nothing major. It was and I asked for union representation before it started. Chief Licata stated he believed I needed a mental evaluation because of the racial incident that took place on November 18 2019. Plaintiff advised Thomas that I took my time because not only was the racial hatred prisoner discriminating against me but so was my fellow officers (Gregory Spagnola and Matthew Bower). I also then said in order to understand what I went through you have to be black. I refused an evaluation. Being black and involved in discrimination does not make one mental. This in itself was discriminatory and insulting to plaintiff who is a black person.



b. After plaintiff refused a mental evaluation in December 2019 because it was not needed Chief Licata and Deputy Faso tried to force plaintiff to now have a mental and physical exams

c. Chief Licata failed to properly notify plaintiff about the Section 72 proceeding that she was forced to attend by being removed from inservice training on January 10 2020. Instead he notified the union who never notified me either.

d. Chief Licata retaliated and punished plaintiff for refusing to have a mental and physical exam because no facts were given and ever talked about. This issue went from medical to criminal.

e. Chief Licata would always ignore every stage of grievance I would file even though this is where he would schedule a meeting.

f. Chief Licata's illegal section 72 proceeding against plaintiff turned into the same many unwarranted 75's every 30 working days that had me on unpaid



Suspensions,

7. John Faso, Current Chief was Deputy Chief

a. From day one at the start of this discriminating act on November 18 2019 until the retirement of Chief Licata Deputy Faso did take wrongful actions that were discriminatory, retaliatory and placed plaintiff in a hostile work environment. Chief Faso would be the party (only party) who would force plaintiff to return to work just to suspend her again for refusing to following his unlawful direct order. This took place every 30 work days without paid for over 22 months. Never was there an investigation at anytime or was it allowed when asked by plaintiff.

b. Deputy Faso and Chief Licata both knew about Gregory Spagnola's two official police reports and knew the first one was changed to harm plaintiff. Deputy Faso and Chief Licata allowed the lies and agreed with officer Spagnola's report written against plaintiff. Plaintiff truthful report filed



against officer Spagnola was put as not true and probably thrown out. Why was this misconduct okay.

c. John Faso and Chief Licata did take plaintiff's issued duty weapon for no reason and no explanation was given. Plaintiff was also put on administrative shift which removed plaintiff from her assigned preferred midnight shift, let it be known that plaintiff had to work for approx. two weeks in December 2019 in uniform to, at and from work which did place plaintiff in unsafe conditions at times while in uniform.

d. In January 2020 John did tell plaintiff she could return to work after suspension ended in February 2020. John agreed with Corporation Counsel Mazur at a later date and refused to let me return to work

e. December 15 2021 Chief Faso knew that I was not represented (supposedly) and still had the unlawful section 72 proceeding/civil service 75 meeting that I had to attend every 30 working days (unpaid).



Deputy Faso now prepared for a 75 hearing because I had no representation.

f. Plaintiff did represent herself on December 15 2021 at the section 72, civil service 75 meeting. Afterwards plaintiff did respond to all form 16's that she was given as well as answer the 75.

g. Deputy Faso (Chief at time) had a letter dropped off to me dated January 24 2022. The letter stated do not return to work on January 26 2022 but instead attend the scheduled March 2 2022 civil service 75 hearing. The letter also stated plaintiff would be removed from the current unpaid leave. Plaintiff never ask to be placed on an unpaid leave since 1998 for another matter. Plaintiff never before the January 24 2022 letter was told she was on unpaid leave. Plaintiff was told she was suspended without pay, letter also stated plaintiff will be placed on administrative leave on January 26 2022 with pay but I was still not allowed at my place of employment,



8. Michael Corcoran, Captain at Niagara Falls Police Dept.

a. Michael Corcoran is a person who has harassed plaintiff many times wrongly. Michael would take away plaintiff's approved overtime and give it to someone else. Michael would then tell plaintiff that she pisses him off and to leave. I would also be told that there would be repercussions.

b. Michael Corcoran would punish plaintiff for wrong actions made by other officers. One officer that should have been in trouble if anyone did not even get written up but instead promoted. This officer's father was a captain at Niagara Falls Police Dept. at this time.

c. Michael Corcoran became OPS Cpt. and in charge of the supposed discrimination, section 72 proceeding and 75's investigation. All Michael Corcoran did was complete every complaint against me from Chief Faso and agreed with his unlawful actions against plaintiff every day I attended the return to work, section 72 + 75 meeting that he did attend. also.



9. Michael Lee, Deputy Chief at Niagara Falls Police Dept

a. Michael Lee never talked with plaintiff as he should about grievances that she was looking to file.

b. Michael Lee never followed procedures with plaintiff or talked with brass or City about following proper grievance procedures that are within our collective bargaining agreement.

c. Michael Lee lied about representing plaintiff at a (surprised for only plaintiff) Section 72 proceeding that took place on January 10 2020.

d. Michael Lee knowingly took away my 18 accrued days to pay me without my authorization which he needed. Michael Lee did this knowing I was collecting unemployment because Christopher Mazur and Chief Faso said I could not return to work in April 2020. The 18 days illegally taken took place from April 9<sup>th</sup> - May 4<sup>th</sup> 2020.

e. Michael Lee knew that Officer Gregory Spagnola had lied on an official police report that harmed plaintiff. Michael Lee did not mention



This during plaintiff's investigation meeting that he attended with her that I believe was on December 13 2019.

f. Michael Lee allowed plaintiff's uniform allowance of \$1600.00 yearly, to be taken away. He said it with City that it was now part of my salary. No one would tell me how \$1600.00 was part of my yearly salary and no one still has. This is because you cannot.

g. Michael Lee lied to a sheriff and did stop court papers from going to the right party. This was not looked at as wrong. Michael Lee is Deputy Chief and has been in law enforcement for years and mistakes like that should not take place.

h. Michael Lee agreed with the City and Niagara Falls Memorial Medical Center about working in unnecessary imminent danger with the mentally ill. The new policy that supposedly changed in March 2016 is the policy that caused a black mentally ill patient to be shot and killed



by a Niagara Falls police officer and the mentally ill patient was a patient seeking treatment who had no charges. The City of Niagara Falls was sued and did pay for this lawsuit. Why would you return to a policy that allowed this. Plaintiff learned last year the unsafe policy applied to her which will be told when speaking about Captain Vincent Grant.

10. Steven Kerfoot, Police Officer at Niagara Falls Police

a. Steven Kerfoot is an officer for the Niagara Falls Police Dept. and was a union president like Michael Lee who was union president who both would work in conjunction with the City and make it easier to facilitate their wrongs.

11. Gregory Spagnola, Police Officer at Niagara Falls Police

a. Gregory Spagnola falsified a report about plaintiff to retaliate and cause plaintiff harm which it did. This took place after Gregory learned that plaintiff was going to file a discrimination complaint



against him for the actions that took place on November 18 2019 by him. Gregory sided with a white racist violent prisoner after he witnessed her racial hatred discriminatory acts against plaintiff. This was a misconduct but it seems okay.

## 12. Captain Vincent Grant

a. Plaintiff was being forced to work in unnecessary imminent danger, with the mentally ill at Niagara Falls Memorial Medical Center in July 2019, by above Captain who was lieutenant at this time. As I had always been told a key that would allow officers to exit from locked rooms that held the mentally ill was never given to officers. Only the medical staff were allowed the keys. This is written by Captain Grant within the complaint against plaintiff. Well in 2021 was a Public Employee Safety & Health hearing involving plaintiff. Plaintiff learned and it is written that three white officers indicated they each had a key to be able to safely exit



the locked room they were placed in with the mentally ill. I was told by the then Chief (Dalporto) which is also written to shoot them if I had to.

13. There are many more instances of racism, retaliation that placed plaintiff in a hostile work environment that are continuing violations. Some of the officers are Cpt. Gugimieri, Freeman, Drake, Casale, Lt. Catalano, Cirrito, Nichols, Ferchen, Petrishin, DeMarco and Prior Chief Dalporto. Some of the instances were forced overtime, unfair punishment that lead to permanent injury, forced to work alone in a dangerous situation, forced to work a post that no other females had to, being told to get the "FUCK" out of an office when I was only trying to get a seniority position I qualified for. The City of Niagara Falls has caused much harm to plaintiff financially and professionally as well as causing emotional stress. The City failed to



provide plaintiff with documents that they supposedly were using against her which plaintiff ask for through a foil that section 50-a states I had a right to them but I was denied. The City in an answer with a case with NYSDHR stated that they were seeking to have charges I filed against a racist violent female prisoner dropped. This did take place and charges were sealed and lowered and I was not allowed to be involved. The City has failed to follow their discrimination/retaliatory and hostile work environment policy. All parties mentioned within this complaint has used discriminatory/retaliatory and abusive power against plaintiff. They (City, John Faso, Thomas Licata, Michael Coccoran, Michael Lee and Christopher Mazur) have deprived plaintiff of her rights and privileges of life and liberty guaranteed by the Constitution of the United States (14<sup>th</sup> amendment) with many actions that the City took within this report. The hostile harassing actions did place



plaintiff at times in fear of what actions will be taken against her next and always be felt as not being treated as an equal as should be.

14. Plaintiff is requesting the court to award punitive damages, nullify and void all negative actions taken against plaintiff that are unlawful and wrong.



22. The date on which I first asked my employer for reasonable accommodation of my disability is \_\_\_\_\_  
\_\_\_\_\_
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
24. The reasonable accommodation provided to me by my employer were \_\_\_\_/were not \_\_\_\_ effective.

**WHEREFORE**, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: September 23 2022 Sanya I. Smith-Brude

Plaintiff's Signature



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office  
33 Whitehall St, 5th Floor  
New York, NY 10004  
(929) 506-5270  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DISMISSAL AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 06/28/2022

To: Sanja Drinks-Bruder  
1032 97th Street  
Niagara Falls, NY 14304  
Charge No: 16G-2021-01030

EEOC Representative and email: Holly Shabazz  
S/L Tribal Program Manager  
[holly.shabazz@eeoc.gov](mailto:holly.shabazz@eeoc.gov)

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### **DISMISSAL OF CHARGE**

The EEOC is closing this charge because: Charging Party wishes to pursue matter in Federal District Court.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Judy Keenan  
06/28/2022

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Judy Keenan  
District Director



**Cc: City of Niagara Falls**

Police Department

1925 Main Street

Niagara, NY 14301

Attn: Director of Human Resources

Please retain this notice for your records.



## Division of Human Rights

ANDREW M. CUOMO  
Governor

JOHNATHAN J. SMITH  
Interim Commissioner

April 6, 2021

Re: Sanja Drinks-Bruder v. City of Niagara Falls, Police Department, Thomas Licata, John  
Faso  
Case No. 10210873

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To the Parties Listed Below:

PLEASE BE ADVISED that the above-listed complaint has been amended. A copy of  
the amendment is enclosed herewith.

Very truly yours,

---

Debbie S. Kent  
Regional Director

TO:

Complainant

Sanja Drinks-Bruder  
1032 97th Street  
Niagara Falls, NY 14304

Respondent

City of Niagara Falls, Police Department  
1925 Main St.  
Niagara Falls, NY 14301

Respondent

Thomas Licata  
City of Niagara Falls, Police Department  
1925 Main St.  
Niagara Falls, NY 14301



Respondent

John Faso  
City of Niagara Falls, Police Department  
1925 Main St.  
Niagara Falls, NY 14301

Respondent Attorney

Christopher M. Mazur, Esq.  
City Hall, 745 Main Street  
Niagara Falls, NY 14302

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

SANJA DRINKS-BRUDER,

Complainant,

v.

CITY OF NIAGARA FALLS, POLICE  
DEPARTMENT, THOMAS LICATA, JOHN FASO,  
Respondents.

AMENDED COMPLAINT  
Pursuant to Executive Law,  
Article 15

Case No.  
**10210873**

Federal Charge No. 16GC101030

I, Sanja Drinks-Bruder, residing at 1032 97th Street, Niagara Falls, NY, 14304, charge the above named respondents, whose address is 1925 Main St., Niagara Falls, NY, 14301 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, sex, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 1/8/2021.

The allegations are amended as follows:

**Three pages of additional allegations added, dated stamped received on April 5, 2021.**



# **New York State Division of Human Rights Employment Complaint Form**

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18

## **1. Your contact information:**

First Name <u>Sanya</u>		Middle Initial/Name <u>K</u>	
Last Name <u>Drinks-Binder</u>			
Street Address/ PO Box <u>1052 97th Street</u>		Apt or Floor #:	
City <u>Niagara Falls</u>		State <u>NY</u>	Zip Code <u>14304</u>
If you are filing on behalf of another, provide the name of that person		Date of birth:	Relationship

## **2. Regulated Areas:** Check the area where the discrimination occurred:

(If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Employment (including paid internship)                | <input type="checkbox"/> by a Labor Organization        |
| <input type="checkbox"/> Internship (unpaid)  | <input type="checkbox"/> Apprentice Training            |
| <input type="checkbox"/> Contract Work (independent contractor, or work for a contractor) | <input type="checkbox"/> by a Temp or Employment Agency |
| <input type="checkbox"/> Volunteer Position   | <input type="checkbox"/> Licensing                      |

## **3. You are filing a complaint against:**

Employer, Worksite, Agency or Union Name

City of Niagara Falls

Street Address/ PO Box

1925 Main Street

City Niagara Falls

State NY

Zip Code 14304

Telephone Number:

(716) 286-4711

Ext.

In what county or borough did the violation take place?

Niagara County

Individual people who discriminated against you:

Name: Chief Licata, Thomas

Title: Chief

Name: Deputy Faso, John

Title: Deputy Chief

If you need more space, please list them on a separate piece of paper.

## **4. Date of alleged discrimination (must be within one year of filing):**

The most recent act of discrimination happened on:

1 month 8 day 2021 year

## **5. For employment and internships, how many employees does this company have?**

- ☐ 1-14    ☐ 15-19    ☒ 20 or more    ☐ Don't know

6. Are you currently working for this company? employed but not allowed to work

☐ Yes Date of hire: 1 29 1993  
month day year

What is your position?

patrol officer

☐ No. Last day of work: 1 10 2020  
month day year

What was your position? demoted to  
secretarial work

☐ I was never hired.

Date of application: \_\_\_\_\_  
month day year

What position did you apply for?

7. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination

Age:

Date of Birth: \_\_\_\_\_

Arrest Record

Conviction Record

Creed/ Religion:

Please specify: \_\_\_\_\_

Disability

Please specify: \_\_\_\_\_

Domestic Violence Victim Status

Gender Identity or Expression, Including the Status of Being Transgender

☒ Race/Color or Ethnicity

Please specify: Black

Trait historically associated with race such as hair texture or hairstyle

☐ Familial Status:

☐ Military Status:

☐ Active Duty

☐ Reserves

☐ Veteran

☐ Marital Status

☐ Single

☐ Married

☐ Separated

☐ Divorced

☐ Widowed

☐ National Origin:

Please specify: \_\_\_\_\_

☐ Predisposing Genetic Characteristic

☐ Pregnancy-Related Condition

Please specify: \_\_\_\_\_

☐ Sexual Orientation:

Please specify: \_\_\_\_\_

☒ Sex:

Please specify: female gender

Specify if the discrimination involved:

☐ Pregnancy

☐ Sexual Harassment

☐ Use of Guide Dog, Hearing Dog, or Service Dog

If you believe you were treated differently after you filed or helped someone file a discrimination complaint participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below: As well as

☒ Retaliation: How did you oppose discrimination: As well as By trying but not able to with  
contacting others Deputy Faso or Chief Licata - telling this  
complaint

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below

☒ Relationship or association



**8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply**

<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Fired me/aid me off	<input checked="" type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input checked="" type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temporary employment agency
<input checked="" type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input checked="" type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input checked="" type="checkbox"/> Denied me training	<input checked="" type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other - took home my car to pay me. then told me to pay me. then told me to pay me.

9. Description of alleged discrimination See page 1-9 attached and following this page

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

On 1/10/2020 I (Sanya Dink-Bender) returned to work after taking some time off. I was in a inservice training on this day. During the inservice training I was forced to go to a unscheduled & unknown unrepresented meeting that I knew nothing about. When I arrived at Deputy Faso's office I was informed by him it was a section 72 proceeding which I knew nothing about and neither did union president (Michael Lee) as he stated to me. I continued after union stated they did not know what was going on but would give all to the union attorney (James Tuttle) who would handle it and also that I must continue. The meeting was to force me to call a mental and medical doctor that they chose for me to have medical exams. The facts given are relating to the fact that I file many grievances. These were the reasons why the City & (City of Niagara Falls) Chief Licata and Deputy Faso stated I need to have these exams and were until on duty. Let it be noted here that it is my right through the collective bargaining agreement to file grievances when a problem with my employment exist. I also have a right to deny to submit to any mental and/or medical exams when there are no true facts giving reasons why such exams are needed. Believing at the time I had to do so because of what the city told me and union I did make these unwarranted medical exam appointments. I was then given paperwork from Deputy Faso and Michael Lee during this meeting which if needed I can provide you with copies which is Human Rights. On 1/10/2020 Deputy Faso gave me section

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. **DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.**



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72 proceeding law and would not explain it as I asked him to and also a copy of the facts that were given to Niagara Falls Civil Commission and Human Resources by both Deputy Faso and Chief Licata that had no signature on it. Deputy Faso told me it was still a legal document. Union president who was at the entire meeting gave me a letter that union attorney emailed to him that had January 6 2020 date on it. I learned after the meeting and reading the letter given to me from union president on 1/10/2020 that the union did give the city an okay to proceed with the section 72 proceeding against me. Let it be known that Michael Lee stated to me on 1/10/2020 during the meeting taking place that he did not know what a section 72 proceeding was. This is not true due to the letter given to Michael Lee dated 1/6/2020 that was from union attorney James Tuttle. This letter given to president Lee by attorney

Tuttle previous to the 1/10/2020 meeting and given to me by Michael Lee on 1/10/2020 stating the union was giving the city to the city to take these unlawful actions against me which proves the union and Michael Lee had previous knowledge and discussions about section 42 proceedings which Michael Lee on 1/10/2020 claimed to know nothing about it. I also now knew that there is a conflict of interest with attorney Tuttle. Union attorney Tuttle whenever there was a issue with me and my union about grievances and/or disciplinary actions being improperly taken against me he has also represented the union against me when they deny me proper representation. How is this when I am a union member that he is representing? Union attorney Tuttle in a February 2020 letter he wrote to another attorney regarding me did finally admit this which I also have a copy of that he has a conflict of



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interest which stops him from representing me. As of the date of this complaint the union and union attorney Tuttle tells me that they are representing me. How? No proactive actions by the union and/or James Tuttle has taken place on my behalf which is almost a year later. Union and union attorney allowed the city not to follow procedures and as the union and union attorney are aware of this is causing me financial hardship because I have not been able to return to work since 1/13/2020 although Deputy Tasc had stated I could on 2/22/2020 to both me and the union. The union allowed the city to force me into this unlawful section 72 proceeding without representation because they all knew of it going to take place and did not inform me prior so that I could be prepared as all knew I was not represented makes it an unlawful procedure (section 72 proceeding). The

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union and union attorney in February 2020 gave me an attorney that was for representing on section 72 proceeding which was over a month after representation was needed. The attorney has also taken no actions regarding the section 72 proceeding to defend me in anyway. I was then surprised in July 2020 to learn by his own statements that the union and union attorney had told him he was limited in representing me which still has not been explained to me. I was told this in July 2020 because I needed his help when I filed an application for injunctive relief. After it being filed no one would represent me as I had been told. I was represented for section 72 proceedings. Also the union and union attorney told this attorney that he could not represent me in any affirmative action issues which I would have used with your agency (Human Rights) involving case no. 10,265,717. The union and union attorney still



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have not from 1/10/2020 (or previous) until now has represented me and this is because I am a black female. Mayor example was case 10265717 that was with your agency. I was never spoken with from your agency which also refused to collect the evidence that was needed and that the city refused to give to me or the union refused to get for me. So the proper conference and collection was never completed as it should have been by Human Rights which gave me rights to me in case no. 10265717. The union continues to ignore all my work related issues always and agrees with the city all allows improper disciplinary actions to be taken against me. Now I am being forced as told by the union attorney in September 2020 (first time we spoke ever about his representation for me through a voice conversation) that I must wait on the city (Christopher Mazur, Esq) before any actions by

Union could take place even though my family has been placed in financial harm. The union and the city are willingly working in concert with one another to cause me hardship and to force me into retirement which is a criminal act. All these improper actions were completed by union and city who are white males and white females including the union who is a white male. Let it be known that I only spoke with union president Michael Lee about union issues as no other union officer would speak with me relating to this up to this date 1/8/2021. No one has ever been put through the unlawful disciplinary actions as I have been and the union allows it without representation in the 27 years I have been employed. Especially when I did nothing wrong that allows any disciplinary actions to be given against me. The only reason again is I am a black female that has and will write



a complaint/grievance when I must  
which is all the time because I  
am always ignored by the city  
and the union. All these unlawful  
actions have also been told and  
given to PERB (plus more) that  
started in 2019 and they have not  
been fully addressed yet which  
also allows improper actions to be  
allowed by the city and union.  
- Again due to no proper actions by  
NYS Human Rights with my previous  
complaints (discrimination) the  
discrimination is allowed to continue  
against me that is now affecting  
my children. I am not fit for duty  
and nothing the city or union has  
given to me shows I am not fit  
for duty, need a mental and medical  
exam or does not need representation  
for these improper unlawful actions.  
The city has taken unlawfully actions  
against me. They have forced me  
into disciplinary meetings without  
informing me first so that I could  
be prepared for what would be taking

place. Well on 1/10/2020 this did not happen and therefore it was an unlawful and unethical procedure. The city has failed to follow proper procedures for disciplinary actions and/or for grievances which continues their unlawful actions against me. The city is aware of the financial hardship that this unlawful section 72 proceeding has placed me in. In fact the city is willingly and purposely causing this financial hardship that will force me to retire and not to take it to a scheduled hearing as the city is suppose to so - the facts, evidence etc. can be seen, known and determine if this is a valid proceeding that took place by the city. The city is causing a criminal act purposely to cause me financial hardship which the union is also allowing. The facts that the city is basing their opinions and actions on are unlawful, because the rights I have in the collective bargaining agreement - the



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actions that took place started after a racial complaint mentioned prior was filed by me. So this is now continued discrimination / retaliation, racial actions by the city towards me because I am a black female who continues to oppose discrimination by filing complaints because no one ever listens when I do speak about it. I file because only the harassment, intimidation, unlawful unethical actions are only taken against me because I am a black female and those taking these actions against me are white males. The word of any white male or female has always been taken as fact without proof and my word which has proof has always been ignored and stated as lies.

Due to the timeframe of the start of this discrimination there is too much to list at this time and can be discussed during the scheduled conference and/or hearing that will be made by Human Rights to properly investigate this complaint.

**Notarization of Complaint**

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

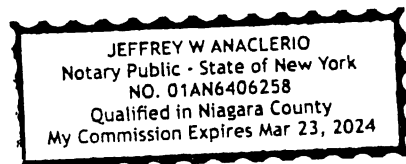
I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL SLB

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Sonya Dink-Bruce  
Sign your full legal name



Subscribed and sworn before me  
This 8<sup>th</sup> day of January, 2021

[Signature]  
Signature of Notary Public

County: Eric

Commission expires: 03/23/2024

**Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.**



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Sangai Drinks-Broder  
1032 97<sup>th</sup> Street  
Niagara Falls NY 14304  
March 2 2021

RECEIVED

MAR 04 2021

NYSIDIR BUFFALO  
REGIONAL OFFICE

Division of Human Rights  
65 Court Street Suite 506  
Buffalo NY 14202

Debbie Kent Regional Director,  
Case No: 10210873

I am a Niagara Falls Police Officer and have been for 28 years. A crime did take place with one of the officer's I work with against me. The crime effects my W2, unemployment and career. I did try to correct this with the City of Niagara Falls for sometime. No one would take actions in correcting this through the City of Niagara Falls, Niagara Falls Police Dept or Niagara Falls Police Club (Union). After finally getting my incorrect 2020 W2 in January 2021 I decided that charges needed to be filed. I did go to the Niagara Falls Police Dept. to file charges and gave a written notarized supporting deposition before filing the complaint but was to be attached with the charges. When going to get a copy of the complaint with the charges I was told by the desk

Page 1 (continues on page 2)

Case 10210873

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lieutenant on that day that no charges were on the report. So the Niagara Falls Police Dept. is not allowing me to file charges that I wanted to when filing the report on 2/12/2021 that I thought was taking place. Now I am not allowed to file a felony charge against a white police officer who has committed a crime against me because I am black and the party who is not allowing me to file charges is also a white male that allows the crime to take place against me, because I am a black female.

Sanya Dunks-Bruder



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Sanya Drinks - Bruder

1032 97<sup>th</sup> St

Niagara Falls, NY 14304

June 22 2021

Gretchen Sullivan - H.Rights

NY S Division of Human Rights

65 Court St Suite 506

Buffalo NY 14202

Re: case 10210873

Hello Gretchen,

Also an important point I need to write and add to case 10210873 is that the unlawful 72 as well as other wrong actions were violations of my due process as well as violating the 14<sup>th</sup> amendment of the US Constitution. This was written separately because it only involved and needed to be added to case 10210873 (City of Niagara Falls, John Faso and Thomas Licata)

Sanya Drinks Bruder

Sanya' Drinks - Bruder

1032 9<sup>th</sup> Street

Niagara Falls NY 14301

June 22 2021

Gretchen Sullivan - HRights

NYS Division of Human Rights

65 Court Street, Suite 506

Buffalo, NY 14202

CASES 10210873 and 10210874

Hello Gretchen,

As I have told you in the past from day one with my complaint the city and union have taken away my benefits that I am entitled to without my approval which they must have to have did what they did with my accrued days that they never had during the time they took them away. This is in relation to my ~~accrued~~ days I received and were taken away without my approval. From day one until May 2021 the city and union stated they were correct in taking away my accrued days. Well in April 2021 I did again

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try to take constructive dismissal that is discussed as a separation agreement. Well during the separation agreement the union acknowledged as well as the city that what they did by doing and being allowed was known by them to be incorrect. Again the falsehood by the union and city shows in the following ten emails that I have attached the spin the city and union continuously try to promote. The city and union did and allowed the unlawful actions to take place against me to stop my income (for now over a year and a half and continuing). The union and the city has failed to take or allow any proper actions to move forward to progress this matter forward as is mandatory. Now the city also continues to stop me from retiring by taking away benefits I am entitled to and the union allows this. The city and union are acting discriminatory against me by not following proper



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procedures which they do not do with white parties.

Plain and simple, (regarding accrued days being used) there was no misunderstanding when the correct information is fully known by all parties which included myself, Michael Lee, Deputy Faso, Lt. Cirrito, Christopher Mazur and Robert Boreanaz. The important email to look at is the one dated June 8 2021 from Christopher Mazur to James Tuttle.

This is something Christopher Mazur make up to cover a lie for the city, especially when they (all mentioned above) were all told again (by complainant) what was being done with my accrued days were wrong after the first pay was received and it continued during two more bi-weekly pay periods. Mr. Tuttle during a conversation regarding a separation agreement stated how would the city rectify what they did. In proper representation for me, the union would make the city correct what the union president did with the city which was falsify records

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with the city of Niagara Falls. Mr. Tuttle did also talk about me getting days back but things changed after it was known I also wanted my benefit 341(j) from NYS retirement that all other white retirees get. So how is this a misunderstanding. Let it be known never did I believe I would not be paid for April 9 - May 4 2020. The reason why is because I was to get paid by the state through unemployment because of the claim I did apply for because the city (Deputy Faso and Christopher Hazur) told me I could not return to work on April 9 2020. as I expected to and had been told I could in January 2020. It was implied that the city would move forward with the separation agreement if I admitted that this was a misunderstanding and if I did not the city would not deal in good faith towards a separation agreement. The separation agreement was still being worked on until another benefit that I and some other qualified employees are eligible

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for was being denied to me. This is the 341(g). Both the union and city (Christopher Mazur) stated that they do not believe I get this benefit which is not true but I will have the union president (Steve Kerfoot) look into it with human resources. He himself does not qualify possibly but should know that I do. These actions are all discriminatory and retaliatory against me and again as said previously many times this does not happen to <sup>any</sup> white parties and escalated after the racially discriminatory/hatred acts which took place on November 17 2019 by the city, a white female prisoner and the court. I ask you (Gretchen) to tell me and/or show me any proof that the city has given you to show they have legal reasoning to make me suffer financially when I have done nothing wrong and no proof has been given to you showing that. No where have they proven I am unfit for duty medically or



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mentally as they state. Yet I and my family is forced to suffer because of no hearings and I have been sentenced without proof and this is because I am black and it is being allowed by all white parties. This is a financial and occupational lynching.

Where is the concern for me who is the black victim that was discriminated against in November 2019 not the city, the white female prisoner or the courts. The city actions are repulsive when my being upset about a discriminatory racial hatred incident that took place against me which is a normal reaction is used against me by the city as a mental disorder after the November 17 2019 racial incident took place..

Now will they (city and/or union) attempt to fabricate a document explaining their actions only after your inquiry like what seems to be their apparent practice to deceive and negate their discriminatory

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and retaliatory actions. You have seen by evidence provided to you that what is stated above is entirely feasible as documents are inconsistent and the city's reluctance to provide evidence. The fact that Michael Lee (union president) is responsible for the criminal act (you want paperwork on) and the union's actions as <sup>so</sup> ~~not~~ to not representing me, then representing me, then not representing me, then representing me shows complicity between the city and the union and their desire to be discriminatory and evasive against me by all white parties against me who is a black person. The actions the city and union has placed on me because I am black has never taken place against any white party. Let it be known that above I wrote (you want paperwork on) is something I was trying to get but the city did not allow me who is a police officer to file any charges as mentioned before.

Surya's Brother